



PEOPLE FOR ANIMALS™

14, ASHOKA ROAD, NEW DELHI- 110001, TEL : 23357088, 23359241 FAX : 23354321, Email : pplforanimals@nic.in

CHAIRPERSON: SMT. MANEKA SANJAY GANDHI

STREET DOGS

Issued in Public Interest

Stated below is information that you will find relevant.

Firstly, please remember, harming animals, or treating them with cruelty, is a punishable offence, under the Constitution of India, the Indian Penal Code, the Prevention of Cruelty to Animals Act and the Environment Protection Act.

DOG BITES

1. Dogs do not usually bite without provocation.
2. Dogs may **bite** when,
 - they perceive aggression on your part, such as a raised stick, or bending to pick a stone,
 - if you try to touch/catch them,
 - in a bid to protect their owner's, or their own territory, or their food/source of food,
 - mothers may bite to protect their young ones.

Do not run when you see a stray dog, or walk too fast. Do not stare at them. Just let them be – they'll let you be.

3. Worldwide statistics reveal that **pet** dogs are far more prone to biting than are strays.
4. Dogs are classified as companion animals. They are usually friendly to humans, and are almost always more scared of you than you are of them.

"QUICK FIX SOLUTION" TO STRAY DOGS

1. There is no "Quick Fix solution" to stray dogs. If there was one, it would have worked hundreds of years ago, and stray dogs would have become **extinct**.
2. Stray dogs breed and live in and around human habitations – wherever there are people there are dogs.



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3. Efforts to completely rid territories of strays, or 'throwing away' or otherwise harming their young, does not usually have the desired effect. **This is primarily because vacated territories which are vacuums are always taken up by other dogs – there are too many of them. This cycle continues and the only way to stop it to “domesticate” the dogs that are already present in your area and get them sterilized and vaccinated. These dogs will guard your area from other dogs which may be rabid or unsterilized.**

RATIONAL SCIENTIFIC SOLUTION

1. A rational, scientific, but slower solution to the problem of stray dogs has been recommended by the World Health Organization (W.H.O.), and has been demonstrated to be the only effective solution.
2. The W.H.O. recommends systematic **sterilization, vaccination and community level adoption** of dogs for effectively reducing dog population and aggression in dogs, and eliminating the risk of rabies.
3. **Relocating** stray dogs is not recommended. Dogs are released back in the areas they were picked up from, because they guard their territories and prevent other (possibly un-sterilized, un-vaccinated) dogs from coming in. This also serves to keep the dog population in a community in check.
4. Dogs keep areas free of snakes, rodents, particularly sewer rats, that can overrun habitation with fearful diseases like plague. (Example, plague at Surat.)

THE LAW IN THIS REGARD

The ten Fundamental Duties—given in **Article 51-A** of the constitution—can be classified as either duties towards self, duties concerning the environment, duties towards the State and duties towards the nation. "Directive Principles of State Policy" directs that the government should keep them in mind while framing laws, even though they are non-justifiable in nature.

Directive Principles are classified under the following categories: Gandhi an, social, economic, political, administrative, legal, environmental, protection of monuments, peace and security. After the Stockholm Declaration in 1972 the Indian Constitution (Forty-second Amendment) Act, 1976 inserted for the first time specific provisions to protect & improve the environment.



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- 1. Article 51-A (g)** states - " It shall be duty of every citizen of India to protect & improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures."
- 2. Article 48-A** - "The State shall endeavor to protect & improve the environment and to safeguard the forests and wildlife of the country."
- 3. Article 19** deals with the fundamental rights of the citizen. So "Right to Protect the Environment" comes within Article 19.
- 4. Article 25, 26, 27, 28** provides religious freedom to all citizens and preserves the principle of secularism in India. According to the constitution, all religions are equal before the State. Citizens are free to preach, practice and propagate any religion of their choice in their own way. Feeding animals like dogs is a part of the same in many religions.
- 5. Section 11 of the Prevention of Cruelty to Animals Act** makes all animal cruelty a criminal offence. Fines and imprisonment are both provided for. The Indian Penal Code has similar provisions.
- 6. The Animal Birth Control (Dog) Rules, 2001**, enacted under the Prevention of Cruelty to Animals Act, provide for sterilization and vaccination as a means of stabilizing/reducing stray dog populations and eliminating the risk of rabies; and prohibits relocation of stray dogs, i.e. throwing, or driving them out of one area, into another. *Enclosed copies of an articles referring to an order passed by the Supreme Court of India in this regard, which prohibits removal, dislocation or killing of even nuisance dogs.*
- 7. Under Stray Dog Management Rules 2001**, it's illegal for an individual, RWA or estate management to remove or relocate dogs. The dogs have to be sterilized and vaccinated and returned to the same area. Vaccinated and sterilized dogs cannot be removed by the municipality too.
- 8. Under Section 506 of the IPC**, it's a crime to threaten abuse or harass neighbors who feed animals.
- 9. I.P.C. Section 428 and 429** provides severe punishment (up to 5 years imprisonment) to people resorting to dislocation, abduction and acts of cruelty towards community animals or pets.



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- 10. Delhi Police act 1968, sections 73 to 79, 99** gives special powers to police to take action when an animal offence has been committed.
- 11. Ministry of Public Grievances notification** and a similar notification by **Animal Welfare Board of India dated March 2008** provide immunity to animal feeders and restrict government employees or bodies such as Resident Welfare Associations from harassing people who try to feed or help animals.
- 12. The Environment (Protection) Act – 1986** and **Wildlife (Protection) Act 1972** at various places protects the stray dogs against any kind of cruelty.
- 13. Directive of the Central Mumbai Consumer Disputes Redress Forum, given on 22/11/10** came down strongly against the housing societies who were charging a resident for use of lift since October 2008 for pets.
- 14. High Court of Delhi in 2011** passed an order asking the police to provide protection to dogs and dog feeders and has made it a punishable offence in case anyone restricts, prohibits or causes inconvenience to any person feeding a street dog or resorts to removal dislocation or killing of a dog.
- 15. The Supreme Court of India in 2009** gave a similar stay order against removal culling or dislocation of a dog anywhere in India.

FEEDING STRAY DOGS

- 1.** Hungry animals are more likely to fight, and bite, and be diseased (since they forage for food in garbage). Feeding stray dogs renders them docile and friendly, and they do not roam in search of food. It becomes easier to catch them for sterilization and vaccination.
- 2.** Stray dogs are scavengers, and can live on insects, rodents, and garbage. Countries that have tackled garbage, filth, slums, etc. and resorted to large scale sterilization and vaccination, have effectively managed stray animals.
- 3.** If the dogs feed on Garbage then the garbage dump becomes their “**primary food source**” which they will try to protect from you and in turn may get hostile. But if you feed the dogs at least once days then you become the primary food source which they will protect. **High Court of Delhi has hence passed an order asking the police to provide protection to**



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dogs and dog feeders and has made it a punishable offence in case anyone restricts, prohibits or causes inconvenience to any person feeding a street dog.

Hence, “**Domestication**” of a few dogs, management of “**Garbage Dumps**”, “**Feeding**” of stray dogs and finally “**Vaccination & Sterilization**” of the same dogs is a **FOUR STEP** solution to any problem that may arise out of street dogs.

This way the 3 Threats associated with street dogs of –

- a) **RABIES,**
- b) **OVER POPULATION,**
- c) **DOG BITES and AGGRESSION**

Can be easily and permanently tackled in each and every area with help from organizations working in the same regard & the Municipal Corporation of Delhi, under the Animal Birth Control program.





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FAQ's

Q 1) Can people who feed animals in their areas be stopped by RWAs or Building Societies or their neighbours under the law?

A) Article 51A of the Constitutional Law of India, speaks about the duties of every citizen of India. One of these duties includes having compassion for living creatures. So the animal lover is protected under the Constitution.

Article 19 of the Constitution of India, deals with the right to freedom and in this freedom comes the right to profession, occupation, trade and business. Therefore, it means that every citizen has the right to occupation and if someone has taken up the caring of animals as his occupation, it is legal and he has every right to carry on with his occupation.

Article 21 of the Constitution of India states the right to personal life and liberty. This is a very vast right. If someone wants to feed and provide shelter to dogs, he is at liberty to do so. He has the same right to liberty that the law provides to every citizen of India.

Section 503 of the Indian Penal Code 1860, provides that intimidation is a criminal offence which is cognizable. Anyone who threatens or intimidates any person taking care of dogs is liable for criminal intimidation under Section 503 of Indian Penal Code and can be arrested without a warrant.

But, above every other law and right, there is a natural right which is a universal right, inherent in the nature of ethics and contingent on human actions or beliefs. It is the right that exists even when it is not enforced by government or society as a whole. It is the right of the individual and considered beyond the authority of a government or international body to dismiss. Therefore, if there are any rights at all, there must be right to liberty, for all others depend on this. And the choice of loving, caring, feeding and giving shelter to dogs is the natural right of any individual.

In a judgment passed by the Delhi Court, it has been stated that the Animal Welfare Board of India and the municipal authorities have in their guidelines specified the problem often faced by individuals and families who care for and feed stray animals. The Court has said that it is necessary to bring on record that these individuals and families who care for stray animals are doing a great service to humanity as they are acting in the aid and assistance of municipal authorities by providing these animals with food and shelter and also by getting them vaccinated and sterilized. Without the assistance of such persons no local municipal authority can successfully carry out its ABC programme. The court has proceeded to say that the local police



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and the RWAs are under obligation not only to encourage such adoption but also to ensure protection to such persons who take care of these animals specifically community or neighborhood dogs so that they are not subjected to any kind of harassment.

The Court has also reiterated that every individual has the right to live his life in the manner he wants and it is necessary that society and the community recognize this.

Q2) Can an RWA/Society or any individual remove or have removed dogs in a colony and throw them away anywhere?

A) Under the GOI Animal Birth Control Rules 2001 and the municipal sterilization programme, no sterilized or any other dogs can be relocated from their area. As per five different High Court orders, sterilized dogs have to remain in their original areas. If a dog is not sterilized, the residents can simply approach an animal welfare organization to sterilize and vaccinate the dog. They cannot relocate him. Relocation is not permissible as it would cause more problems such as an increase in dog bites with new dogs that are unfamiliar with residents and therefore more likely to be hostile, moving into the area.

The Government of India has issued a circular Dy No 1237 dated 30/9/2006, specifically directing all RWAs and any other recognized citizens' associations as follows:

- As per Section 11 of The Prevention of Cruelty to Animals Act, 1960, beating, kicking, overriding, overloading, over-driving, torturing or otherwise treating any animals so as to subject it to unnecessary pain amounts to cruelty on animals. And whoever indulges in an act of cruelty to animals makes himself liable for action under Prevention of Cruelty to Animals Act.
- There are designated agencies in Govt/local self-government organizations that are authorized to deal with stray animals. Such organizations regularly undertake inoculations, sterilization of animals and other programmes.
- Recognized Associations may approach such institution for redressal of their grievances if any, with regard to stray animals. Un-recognized associations may also approach such bodies with their grievances, but they should not pretend to represent the residents in general.
- All problems of stray animals have to be handled within the institutional framework available. No association, recognized or unrecognized, shall take recourse to any action



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regarding stray animals on their own, either themselves or through any person employed by them like security guards.

- Where there is no recognized association, residents may take up grievances through the AWO/Office of the CWO.
- While residents and Associations are free to address institutional agencies for redressal of grievances in this matter, no resident/association will interfere with the freedom of other residents in caring and attending animals. Intimidating in any manner, those who feed and care for animals is a criminal offence. Apart from action under appropriate criminal law, such persons will render themselves liable for action under CCS Conduct Rules.

Q 3) In a complaint under Section 428/429 of the IPC in respect of a dog belonging to the complainant who has been poisoned by a neighbour, what kind of evidence should be looked for?

A) If the owner believes that a neighbour is responsible for poisoning their dog, the owner should immediately contact the nearest police officer. The police officer should visit the site and note the condition of the animal. The dog has to be taken to a vet, either private or government, for a post-mortem to determine the cause and approximate time of death. In the meantime the police officer can collect any physical evidence that is available, indicating both the perpetrator and the method used. The police officer must record the statement of witnesses who have seen the poisoning or witnesses who can record the attitude or history of previous cruelty of the alleged perpetrator towards the deceased. Thereafter, the police officer must put up a challan before the court of the concerned magistrate.





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Sustainable Solutions to Animal - Human conflict in Urban Areas

The solutions:-

- ✓ The solutions are simple, yet currently being avoided by Municipalities, as they discourage economic gains from human and animal suffering.
- ✓ The objective is to reduce the population of dogs in urban areas, reduce rabies and reduce bites without harming the humans or the animal.
- ✓ Solutions are directly related to dog behavior and how ecology works.

Thus, solutions in the following order must be implemented at a local area level:-

- 1) Mandatory semi - adoption of street dogs by RWAs, Commercial, Institutional establishments.
- 2) RWAs contact local NGO/ AWO for ABC AR of these dogs.
- 3) A few residents regularly feed these domesticated dogs.
- 4) Blanket ban on breeding and sale and purchase of dogs as already implemented in many countries.
- 5) Proper Waste disposal management.
- 6) Ban on culling of any kind of dogs, including nuisance ones.

Scientific rationale behind the above:-

- 1) By adopting RWAs are limiting the number of dogs as these dogs won't let other dogs come into their areas. Dogs guard from dogs. Immigration of feral and biting dogs will be automatically checked by these community dogs. Dog migration is the main problem as otherwise the population is naturally controlled. This has been proven in the demographic study of dogs in the study. Real population increase is mostly due to migration which can only be stopped by semi adopted/ community dogs. Domestication of a few dogs also reduces the human; dog ratio by manifold.
- 2) By vaccination & sterilization the RWAs can make sure the dog bites, aggression at time of mating season & that by lactating bitches is reduced. Plus these rabies- free dogs would



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provide protection from other rabid dogs. Their population will not increase for at least 8-10 years, which will give NGOs enough time to do the ABC AR program in the entire city. It also reduces the scope of AWOs & NGOs making money out of animal cruelty & making the program go round in circles with no effect on population by dislocation after operation.

- 3) Regular feeding will domesticate these dogs to the level that they would protect humans from any threat and within neighborhood bites will become zero. Humans become the primary food source which the dog would guard & protect, unlike feeding on garbage dumps which the dog inevitable guards against humans if these dogs are not domesticated. Also the notion that feeding dogs attracts them is false, as there is enough food on the street to sustain a minimum dog population. For e.g. A dog needs only 1006 Calories per day to survive which it can get from anything small which is dead. So humans by feeding don't contribute to their population addition. On the contrary feeding breaks the natural large packs of dogs into smaller groups which safeguard humans as their primary source of survival, thereby making dog a natural enemy of any dog from outside which may come and increase the bites, population, rabies. Thus, feeding helps in reducing aggression and population distribution, but not population numbers. The problem is not over population of dogs, but population distribution. India has much lesser dogs as compared to humans than any other country. The problem areas are the ones where dogs accumulate and form large packs.
- 4) Breeders are cause of nuisance because they abandon dogs at a very high rate. The street dogs can control their own population as per environment, but breeders add new dogs to the neighborhood in urban areas up to 76%, as per our surveys. Many countries have banned sale and purchase of bred dogs for the same reason and have seen tremendous reduction in free ranging populations. This also has ecological impacts as the study proves at many places.
- 5) Proper Waste disposal management does not allow unchecked breeding of dogs at these sites & would reduce dog bites, aggression. Dogs will not have to guard the dumps from humans and hence again reduce aggression and nuisance values. But even of the waste disposal is improper, yet the first 3 steps are followed, would not affect the aggression in animals so much. Hence this step even though important is not necessary in reducing conflicts between man and dog.
- 6) Culling of any kind increase the problem manifold as the study proves in many ways. Also in reality the real **Nuisance dogs** can't be caught, as they are naturally agile, feral and smart. So when dogs are caught and destroyed these are mostly the domesticated dogs which actually protect the humans from feral and nuisance dogs. As a result, and in the absence of domesticated dogs, the actual nuisance dogs are granted easy access into deeper human



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settlements thereby increasing bites and rabies. Only domesticated dogs can protect against nuisance and feral dogs as seen in the study. Moreover, many municipalities take undue advantage of this selective culling and destroy all dogs, as in the case of Meerut and Kerala. Any selective culling, no matter how minor, increases problem in many ways as explained in the study. The paradox of resolving nuisance value of the animal can't be solved simplistically as though off by many. By linear approach if nuisance is attempted to be solved, leads to nuisance in many other forms. One of the major consequences being ecological magnification of migrant population of dogs into colonies, as explained in the study and mutation from K to R species. Thus, eventually it leads to a higher level of nuisance for humans and ecology. Hence selective culling of so called "nuisance dogs" leads to increase in problem. However, "nuisance value" of any dog can be resolved in many ways as the explained in detail in the study.

Apart from this the word nuisance, which has not been defined in the international law also, is very subjective. So the study has defined this nuisance value in many ways to resolve the dog human conflict. The study has also presented easy solutions, guidelines to remove the nuisance value of any dog without having to remove the dog.

Apart from this there is another problem in selectively culling nuisance dogs. Wildlife Protection Act 1972 mentions at some places of dogs which are protected under the act.

E.g.

SCHEDULE-1

PART -I (MAMMALS)

Indian Wolf (*Canis lupus*)

SCHEDULE II

PART -1

Wild Dog or Dhole (*Cuon Alpinus*)

The Act nowhere mentions that the wildlife act is applicable in wilderness and that a tiger, once out of its jungle and comes into a city, can be killed. In fact wildlife act covers two kinds of wildlife - natural wildlife & urban wildlife. And since these varieties as mentioned in the act have many variations it is difficult to identify them if they are mixed with other dogs. A DNA test can only prove that. So a mechanism is needed to first quarantine all feral dogs, identify and separate the protected ones and then think of culling or not culling the rest. So selective or mass culling of feral dogs, centralized impounding of dogs cannot be



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suggested unless a mechanism is worked out for identifying the protected species. Since the wild, protected dogs are lookalike of the strays and the feral as seen in the city would lead to violation of Act, if selective culling is suggested.

The basic philosophy behind the methods:-

In a diverse country like INDIA it is impossible to live without community animals like stray dogs. Unlike many other cultures our system of thought, life styles and many religions do not consider animals to be mutually exclusive from humans. The most important of all community animals apart from cattle is our COMMUNITY DOGS, also commonly known as stray dogs.

The basic reasons a dog becomes a problem to the society are that:

- a) Dogs form and roam in packs,
- b) They feed at mass level on the garbage and try to protect their area from anyone,
- c) They turn aggressive due to lack of food & medication.

The ratio of dogs to land available in any big city is very high, i.e. the number of dogs per sq. km. is very less, even in a city like Delhi. Hence, the overall population of dogs is not a problem as a whole. The problem is the distribution of these dogs over the entire area, i.e. when in one area the dogs become more and form packs whereas there are no or lesser dogs in some other areas at all. The problem starts with uneven distribution of population and the formation of packs of these animals with no human control on them whatsoever.

So are we going to address the root cause of this problem or keep running after resolving the consequences that arise out of such causes by mass or selective killing, impounding or relocation of dogs? Any method following removal of dogs only adds more dogs by creating a natural vacuum. If we need to address the root causes then we have to consider the presented solutions in our country very seriously. These solutions are inter related and have to be implement at the local level.

By nature dogs, like any other species, are capable of self regulating their population depending upon the resources available to them from their local habitat. You will find more dogs in areas with more food supply and spaces as refuge and lesser dogs with no or lesser food and shelter. If we remove the basic source of food and survival for dogs (i.e. the garbage dumps) then by nature any species including dogs will know the limitations they have with food vis – a - vis their population. That's when their self regulatory method of controlling the population starts. The stronger dominate the limited food supply and the weaker migrate. Or the litter does not



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survive and die on its own. This is how the system works with almost any species on this planet, including humans. But removing the garbage dumps does not solve the problem alone. On the other hand it may aggravate the same, unless followed by the community level adoption of these dogs. This includes feeding them with healthy food every day, vaccinating them, providing them temporary shelters from weather conditions, etc.

If we do not adopt them at community level, it is very likely that due to lack of food they may again turn aggressive, which happens quite often. But with community level adoption of dogs the story reverses. Dogs by nature being territorial animals do not allow more dogs to come in their area, than the ones which, may survive on the food that the community would supply to them, hence controlling the influx of dogs. Also the fact remains for centuries that the way to a dogs mind & heart is through its stomach. By community adoption, not only will the dogs start protecting the community (humans) as their basic source for everything, but will also turn docile to all members.

The basic difference between stray dogs feeding on garbage and on the other hand being fed by us, is that in the first case the garbage dump is the primary source of food for them which they have to protect from us, but the latter case we become the primary source of food for them, which they have to protect for themselves. Hence, adoption at community level is like making them dependent on us for everything, hence turning them into our pets on the streets. Thus a planned favorable habitat for the survival of the existing dogs will end the hostility these dogs feel to their existence. They would easily coexist with humans eliminating threat of any kind to the latter from their own species.

Thereafter, we may conduct the animal birth control program at local level and make sure the dogs do not reproduce at an alarming rate. After a few years the population will reduce drastically. But the ABC program is futile unless the first two methods are addressed at the city level. The solutions are simple and really effective, but have to be thought off rationally as a state level or national level policy and at the same time implemented at the local level. A knee jerk reaction to do killing or ABC without being sensitive to the nature of these animals is absolutely futile and is like going round in circles. This is why ABC is not effective in many areas and the reason why despite ABC the dogs continue to be aggressive. Aggression is only controlled by domestication of a few.

Finally it is very important that we follow legislation & registration as responsible pet owners. The house hold pet dogs are responsible for increase in street dog population to a large extent. The pet dogs should not be allowed to roam freely on the streets and multiply with the street population. It helps reduce the problem of street dog population by 30%. Also keeping a pet and



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then abandoning it on the street, is not only brutally cruel to the animal but also a grave crime which most commit due to various reasons or fallacies. It is far better not to love an animal than to first keep it and later abandon it. It is unforgivable. On an average 70% of pets are abandoned on the streets in India. Hence, it is very important to address the issue of irresponsible pet ownership in our cities in order to reduce the population and cruelty to animals. The same holds true for breeding. A blanket ban on breeding and sale-purchase of dogs would reduce the problem of nuisance dogs by manifold as breeders are in every nook and cranny of the city who abandons 8 out of 10 dogs which are bred on demand. The study has discussed all of this in detail.

Legal Scopes & aspects untouched so far:-

The solutions hint at a LOCAL AREA APPROACH by the Community instead of a centralized approach. This has roots based on many programs being run by U.N. for a very long time.

Some of the norms which may help in implementing these steps in the local area approach are –

- 1) UDPMFI norms say –
 - a) 1 vet clinic for 50,000 human population
 - b) 1 Vet hospital for 1,00,000 human population

Hence each human population of 1 lac can legally have one ABC center in the vicinity. These are master planning norms which should be followed all over India. Since Master Plan is a notified legal document this norm makes the state and the development authority to provide such a space in case it is not there. MCD/ DDA have many such shut down units in Delhi which they are refusing to share for ABC by NGOs.

However, the Delhi state and the DDA is legally bound to allot these lands back to private or public institutions wanting to do the function of vet hospital for Urban Wildlife management, like ABC AR. The current concern of civic bodies is dogs, so the court can be convinced that these units should be used for ABC-AR.

- 2) U.N. Agenda 21 is an international treaty which talks in detail on many issues. The important one being involving the local community in decision making and development process. India is bound by this. So are many countries. Within that there is stress on local units for maintenance issues for a community. This means what Agenda 21 suggests is that state and local governments become facilitators and powers come in the hands of the people and their



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own local body. This no politician will ever utter in public. 73rd & 74th Constitutional Acts were also based on this. This international law must be appraised to the court and impleaded that the power to do such controls and measures like ABC should rest with local communities and their representative NGOs and hence we need to provide this infrastructure to decentralize the ABC for its effectiveness. The UDPFI norms have also been designed around this concept. Corporations, State governments don't bring out this data for obvious reasons.

- 3) Recently the MCD has introduced this concept in master planning via LAPs (Local Area Plans). So instead of Master Plans, LAPs would be enforceable. This will become public in 2 years. The concept is based on sustainable cities in all respect. This is because in the present world master plans can't control the cities as they are not sensitive to local context and needs of the people. The Bhagidari Yojna of the Delhi government is also based around this concept of "public participation".
- 4) Around such international treatises and laws, the municipalities cannot centralize unscientific methods of doing important programs which affect human health and well being.

Hence the steps as suggested by this study are not only local, easy to implement but also within the legal framework which are being adopted by other countries as well.

